



SMALL BUSINESS AND ENVIRONMENTAL
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T e x a s N a t u r a l R e s o u r c e C o n s e r v a t i o n C o m m i s s i o n

Small Business
The Advocate
For and about small businesses affected by environmental regulations

Healthy Environment. Strong Business. Good Sense.

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**Texas Proposes Industrial Storm Water Permit
with ‘No-Exposure’ Option**

On September 28, Texas assumed authority to administer an industrial storm water permit affecting more than 6,000 facilities. Previously, the Environmental Protection Agency (EPA) administered this permit. The TNRCC proposed for public comment a new draft industrial storm water permit to replace the EPA “Multi-Sector General Permit.”

Storm water permits help protect water quality by keeping rainwater from carrying debris and contaminants into Texas lakes and rivers. The permits require facilities to take specific steps to limit or prevent pollution from storm water runoff.

Until the proposed TNRCC permit is finalized, facilities authorized under the EPA storm water Multi-Sector General Permit should continue to comply with all its provisions. Do not change or alter any processes. Once the TNRCC permit is issued, you will have 90 days to submit a Notice of Intent (NOI) to comply. If you are supposed to have a storm water permit but don’t have one yet, you must wait until the Texas permit is issued. Once TNRCC issues the Texas permit, submit your NOI to TNRCC.

If you can certify that all your industrial materials and processes are not exposed to precipitation or runoff, you may file a certificate of no exposure to comply with the storm water regulations. This is known as the “no-exposure option” and may be claimed even before TNRCC finalizes the new storm water permit. Although the original EPA permit only allowed “light

industry” classifications to use this option, it is now being extended to any facility that can demonstrate no exposure.

When finalized, the Texas general storm water permit and associated forms will be posted on the TNRCC Web site. For more information:

- consult the TNRCC web page (www.tnrcc.state.tx.us; search for “Storm Water Permits Transition”);
- call the storm water permit hotline at 512/239-3700;
- contact the storm water team at 512/239-4433 or sligon@tnrcc.state.tx.us;
- request the TNRCC publication Storm Water Permits for Industry and Construction (# RG-340) by calling 512/239-0028 or downloading it from the TNRCC Web site; or
- call the Small Business team at 1-800-447-2827. ▼

**Does Your Small Business Need
a Storm Water Permit?**

A variety of small businesses are subject to storm water discharge rules, including:

- asphalt paving and roofing materials
- auto salvage yards
- concrete products
- electronic and photographic equipment
- fabricated metal products
- glass manufacturing
- hazardous waste storage or disposal
- leather tanning and finishing
- metal finishing
- millwork facilities
- nonferrous foundries
- plastics molding
- porcelain enameling
- sewage treatment plants
- scrap recycling facilities
- smelting operations
- wood preserving

**Broader Registration for
Hazardous Waste Generators**

You may need to register with the U.S. Department of Transportation if you ship out more than 1,000 pounds of hazardous waste at a time. Anyone who signs a manifest is considered an “offerer.” Previously, registration was required only of offerers or shippers of larger amounts of hazardous material. Registration is now required of anyone who “offers or transports in commerce a quantity of hazardous material that requires placarding.” Federal rules say any hazardous waste with a gross weight of 1,001 pounds or more is subject to placarding.

Registration fees are \$300 for facilities meeting the Small Business Administration’s definition of a small business or \$2,000 for all other facilities. Farmers are exempt from the rule. For registration forms and instructions, log on to <http://hazmat.dot.gov/register.htm>. ▼

Ahead in 2001: The TNRCC and the 77th Legislature

Texas lawmakers gather in Austin in January 2001 for the 77th legislative session. Environmental issues are expected to be a highlight of the session as lawmakers consider reauthorizing the TNRCC.

The Sunset Advisory Commission has recommended continuing the TNRCC, with some changes. Its report calls for the agency to:

- improve strategic direction and innovation in its regulatory structure;
- develop consistent means of tracking and reporting compliance history;
- expand opportunities for and accountability within innovative regulatory programs; and

- better support public input in agency policy making and contested case hearings.

The report also recommends allowing the TNRCC greater flexibility in funding its programs.

The Commission's report, the TNRCC's self-evaluation, and comments from stakeholders all are available through the agency's web site at www.tnrcc.state.tx.us. Click on "Sunset Review" under "Hot Topics."

Other environmental issues likely to receive legislative attention include air quality and water resource management. Observers expect lawmakers to focus on the new State Implementation Plan

requirements for improving air quality in the Dallas/Fort Worth, Houston/Galveston, and Beaumont/Port Arthur areas. Ongoing drought conditions make it likely that legislators will continue efforts begun in the 75th Legislature with Senate Bill 1, which established the regional water planning process. New topics for attention include implementation of the regional water plans, surface water development, and management and protection of groundwater resources. ▼

Texas Recycles Day

With drought conditions in four of the last five years, many communities have imposed mandatory watering restrictions. In addition, Texas has more than 200 stream segments where pollution limits use for drinking water or swimming. Texas Recycles Day 2000 is focused on the water quality and conservation benefits of recycling organic materials, or "composting."

Using compost on lawns and gardens addresses water quality and conservation. Here's how:

- increasing the amount of organic matter (compost) in your soil by just 5% will reduce your watering needs by up to 60%.
- enriching your soil with compost will reduce or eliminate your need for synthetic fertilizers and pesticides that can run off and pollute our waterways.

Take a look at compost. It can save you money, conserve water, and prevent pollution in waterways. ▼



TNRCC Finalizes Standard Permit for Concrete Batch Plants

A single standard permit has replaced the old "permit by rule" for permanent, temporary, and specialty concrete batch plants (CBPs) submitting registrations on or after September 1, 2000. Under the standard permit, new or modified CBPs must register with the TNRCC and receive the agency's written approval prior to beginning construction. A plant also must provide public notice of its construction plans and pay a \$450 registration fee.

Temporary plants located in the right-of-way of a public works project are exempt from public notice requirements and the fee. Temporary plants working exclusively on public works projects are required to pay the registration fee only once rather than each time they relocate, as had been proposed.

The standard permit also specifies requirements for controlling dust from activities and equipment at a site. Temporary CBPs, for example, must use a suction shroud and fabric filter/cartridge filter system if they supply concrete for any single project or related project segments and occupy a given site for more than 180 consecutive days.

Facilities that cannot meet the standard permit conditions may still apply for a case-by-case new source air quality permit. ▼

Annual Check-Up for Federal Air Permits

Facilities with federal Title V air operating permits must regularly submit a form certifying that they are complying with the terms of their permit.

The compliance certification must be submitted each year after the permit is issued. The form must be submitted within 30 days of the annual issue date of the permit. Failure to submit the form or to submit it timely brings automatic enforcement, including possible penalties.

Title V permits are required of facilities that emit or have potential to emit (1) more than 100 tons per year of a criteria air pollutant; (2) more than 10 tons per year of any single Hazardous Air Pollutant (HAP); or (3) more than 25 tons of all HAPs. A Title V permit also may be required of facilities that emit as little as 25 tons of volatile organic compounds (VOCs) or nitrogen oxides (NO_x) if they are located in one of the following ozone nonattainment areas: Houston/Galveston, Dallas/Fort Worth, or Beaumont/Port Arthur. Facilities emitting more than 50 tons of VOCs in El Paso County are also required to get a Title V permit. Small businesses that are likely to need Title V permits include thermoset resin facilities, gas compressor stations, and fiberglass and marble manufacturers. ▼

UPCOMING EVENTS:

Small Business Advisory Committee Meetings (512/239-1066)
Dallas: Nov. 7, 2000; Feb. 13, 2001 • Fort Worth: Nov. 8, 2000; Feb. 14, 2001
Golden Triangle: Nov. 30, 2000 • Houston/Galveston: Dec. 7, 2000; Feb. 22, 2001

Texas Recycles Day (512/239-3188) • Nov. 15, 2000

Texas Environmental Excellence Award Application Deadline (512/239-4545) www.teea.org
Nov. 15, 2000

Pollution Prevention Workshops (512/239-6326)
Arlington: Nov. 15, 2000 • San Antonio: Nov. 29, 2000

**Electronic Reporting Training
for generators and receivers of industrial and/or hazardous waste** (512/239-6925)
Austin: Dec. 1, 2000

Pretreatment Inspectors Workshop (512/239-3184) • Austin: Dec. 13, 2000

Upset & Maintenance Workshop (512/239-6326) • Beaumont: Jan. 17, 2001

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Web Site:
www.tnrcc.state.tx.us/exec/sbea/smallbus.html

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